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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

Case No. CR07-349-RSL

10 v.)

11 PATRICK MORTON,)

12 Defendant.)

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on January 26,
15 2010. The defendant appeared pursuant to a summons issued in this case. The United States
16 was represented by James D. Oesterle, and defendant was represented by Barry L. Flegenheimer.
17 Also present was U.S. Probation Officer Monique D. Neal. The proceedings were digitally
18 recorded.

19 SENTENCE AND PRIOR ACTION

20 Defendant was sentenced on March 7, 2008 by the Honorable Robert S. Lasnik for making a
21 False Statement. He received 12 months plus 1 day of detention and 3 years of supervised
22 release. On December 30, 2008, the probation office notified the Court that Mr. Morton had
23 violated his conditions of supervision by using cocaine and alcohol. On January, 6, 2009, the

1 Court concurred with the probation officer's recommendation for no action.

2 On March 20, 2009, the probation office notified the Court that Mr. Morton had violated his
3 conditions of supervision by using cocaine and alcohol. On March 24, 2009, the Court
4 concurred with the probations officer's recommendation for no action.

5 PRESENTLY ALLEGED VIOLATIONS

6 In a petition dated December 29, 2008, U.S. Probation Officer Monique Neal alleged that
7 defendant violated the following conditions of supervised release:

- 8 1. Using cocaine and alcohol on or before November 28, 2008, in violation of standard
9 condition 7.
- 10 2. Using cocaine on or before February 21, 2009, in violation of standard condition 7.
- 11 3. Using cocaine and valium on or before August 27, 2009, in violation of standard
12 condition 7.
- 13 4. Using cocaine on or before September 13, 2009, in violation of standard condition 7.
- 14 5. Using cocaine and alcohol on or before February 21, 2009, in violation of standard
15 condition 7.
- 16 6. Committing the crime of Driving While License Suspended 3rd Degree, on or about
17 October 12, 2009, in violation of the standard condition stating that the defendant
18 shall not commit a federal, state, or local crime.
- 19 7. Committing the crime of possession of a Controlled Substance, on or about October
20 12, 2009, in violation of the standard condition stating that the defendant shall not
21 commit a federal, state, or local crime.

22 FINDINGS FOLLOWING EVIDENTIARY HEARING

23 Defendant admitted the above violations, waived any hearing as to whether they occurred,

1 and was informed the matter would be set for a disposition hearing February 12, 2010 at 10:00
2 a.m.before District Judge Robert S. Lasnik.

3 RECOMMENDED FINDINGS AND CONCLUSIONS

4 Based upon the foregoing, I recommend the court find that defendant has violated the
5 conditions of his supervised release as alleged above, and conduct a disposition hearing.

6 DATED this 26th day of January, 2010.

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10 BRIAN A. TSUCHIDA
11 United States Magistrate Judge
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